

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:20-CR-00103-MR-WCM**

**UNITED STATES OF AMERICA,**     )  
                                          )  
                  **Plaintiff,**         )  
                                          )  
          **vs.**                         )  
                                          )  
          **KEWAN MARQUIS SHADE,**     )  
                                          )  
                  **Defendant.**         )

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Dismiss [Doc. 28]; the Magistrate Judge's Memorandum and Recommendation regarding that motion [Doc. 33]; and the Defendant's Objections to the Memorandum and Recommendation [Doc. 34].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendant's motion and to submit a recommendation for its disposition.

On July 12, 2021, the Magistrate Judge filed a Memorandum and Recommendation, recommending that the Defendant's Motion to Dismiss be denied without prejudice, subject to renewal or further consideration at trial,

as may be warranted. [Doc. 33]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. On July 26, 2021, the Defendant filed timely Objections to the Memorandum and Recommendation. [Doc. 34].

The Federal Magistrate Act requires a district court to "make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). In order "to preserve for appeal an issue in a magistrate judge's report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection." United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007). The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections have been raised. Thomas v. Arn, 474 U.S. 140, 150 (1985). Additionally, the Court need not conduct a *de novo* review where a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

Here, the Defendant does not make any specific objection to the Magistrate Judge's Memorandum and Recommendation. Instead, the Defendant makes only general objections to the Magistrate Judge's conclusions. This kind of objection does not warrant a *de novo* review of the Magistrate Judge's reasoning. Aldrich v. Bock, 327 F.Supp.2d 743, 747 (E.D. Mich. 2004) ("A general objection, or one that merely restates the arguments previously presented is not sufficient to alert the court to alleged errors on the part of the magistrate judge. An 'objection' that does nothing more than state a disagreement with a magistrate's suggested resolution, or simply summarizes what has been presented before, is not an 'objection' as that term is used in this context.").

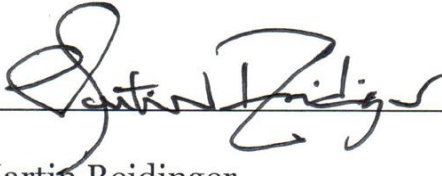
After a careful review of the Memorandum and Recommendation, the Court finds that the Magistrate Judge's proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Defendant's Objections and accepts the Magistrate Judge's recommendation that the Defendant's Motion to Dismiss should be denied.

**IT IS, THEREFORE, ORDERED** that the Defendant's Objections [Doc. 34] are **OVERRULED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 33] is **ACCEPTED**; and the Defendant's Motion to

Dismiss [Doc. 28] is **DENIED WITHOUT PREJUDICE** subject to renewal or further consideration at trial, as may be warranted.

**IT IS SO ORDERED.**

Signed: August 9, 2021

  
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Martin Reidinger  
Chief United States District Judge

